Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Final

AIR QUALITY PERMIT

Issued under 401 KAR 52:030

Permittee Name:	**AEP Industries, Inc.**
Mailing Address:	**123 Willamette Lane** **Bowling Green, Kentucky 42101**
Source Name:	**AEP Industries, Inc.**
Mailing Address:	**123 Willamette Lane** **Bowling Green, Kentucky 42101**
Source Location:	**Same as above**
Permit ID:	**F-07-014**
Agency Interest #:	**40031**
Activity ID:	**APE20060001**
Review Type:	**Conditional Major, Operating, Renewal**
Source ID:	**21-227-00090**
Regional Office:	**Bowling Green Regional Office** **1508 Westen Avenue** **Bowling Green, KY 42104-3356** **(270) 746-7475**
County:	**Warren**
Application Complete Date:	**February 18, 2007**
Issuance Date:	**June 7, 2007**
Revision Date:	
Expiration Date:	**June 7, 2012**

John S. Lyons, Director
Division for Air Quality

Revised 09/29/06

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Rev #	Permit Type	Activity #	Complete Date	Issuance Date	Summary of Action
-	**Renewal**	**APE20060001**	**02/18/07**	**June 7, 2007**	**Renewal**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Point 1: **Central Impression Flexographic Press (Press # 3)**

Description:

MP1: Ink Station

Solvent Based ink Usage: 2.25 gals/hr
Date commenced: September 1993

MP2: **Clean-Up Operations**

Material Consumption 0.05 gal/hr
Date commenced: September 1993

MP3: **Drying Oven**
(Electric)

Emission Point 2: **Central Impression Flexographic Press (Press # 4)**

Description:

MP1: Ink Station

Solvent Based ink Usage: 2.25 gals/hr
Date commenced: September 1994

MP2: **Clean-Up Operations**

Material Consumption 0.05 gal/hr
Date commenced: September 1994

MP3: **Drying Oven**
(Electric)

Emission Point 3: **Central Impression Flexographic Press (Press # 5)**

Description:

MP1: **Ink Station**

Solvent Based ink Usage: 2.25 gals/hr
Date commenced: October 1994

MP2: **Clean-Up Operations**

Material Consumption 0.05 gal/hr
Date commenced: October 1994

MP3: **Drying Oven** (Electric)

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Point 4: **Central Impression Flexographic Press (Press # 10)**
Windmoeller & Hoelscher Novaflex Flexographic Printing Press

Description:

MP1:	**Ink Station**
Solvent Based ink Usage:	2.50 gals/hr
Date commenced:	August 2003
MP2:	**Clean-Up Operations**
Material Consumption	0.05 gal/hr
Date commencedd:	August 2003
MP3:	**Drying Oven (Direct Heat Exchangers)**
Rated Capacity:	5.0 MMBtu/hr
Fuel Usage:	Natural Gas
Date commenced:	August 2003

Control Equipments:

Catalytic Oxidizer # 1:

To control VOC emissions from emission point 1, 2, 3 and 4.
Description:

Destruction Efficiency:	99.4% tested on April 15, 2004
Rated capacity:	5.0 MMBtu/hr
Fuel usage:	Natural Gas
Construction Commenced:	August 1993

Catalytic Oxidizer # 2:

To control VOC emissions VOC from emission point 1, 2, 3 and 4.
Description:

Destruction Efficiency:	96.7% tested on April 16, 2004
Rated capacity:	5.0 MMBtu/hr
Fuel usage:	Natural Gas
Construction Commenced:	September 1995

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

APPLICABLE REGULATIONS:
401 KAR 52:030. Federally-enforceable permits for non major sources**.**

1. Operating Limitations (Continued):
The usage rate of materials used in all affected facilities shall be limited so as not to exceed the emission limitations in the section B(2) below.

2. Emission Limitations:

Annual VOC Limitations (401 KAR 52:030):
The source has accepted a facility-wide cap on annual VOC emission of no more than 90.0 tons per rolling 12-month period. The actual VOC emission shall be calculated based on 12-month rolling total.

Compliance Demonstration Method:
The following equation may be used to calculate VOC emission:
Monthly VOC emission = ∑[Monthly usage of ink or any other VOC containing material in pounds or gallons per month] x [VOC fraction] x [1-Destruction Efficiency] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds for ink or any other VOC containing material used].

3. **Testing Requirements:**
   a. Section E
   b. Testing shall be conducted at such times as may be required by the Cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and KAR 50:045 Section 3.

4. **Specific Monitoring Requirements :**

See Compliance Demonstration Method in Section B (2)

5. **Specific Recordkeeping Requirements:**

   a. The permittee shall keep calendar month records of the usage of each ink, solvent, thinner diluent, and clean up solvent or any other VOC containing material;
   b. At the end of each month volatile organic compound (VOC) emissions in tons shall be calculated and recorded;
   c. The annual emission for each rolling 12 month period shall be calculated and kept available at the plant site;
   d. The records listed above, as well as purchase orders and invoices for all VOC containing materials, shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality;
   e. The permittee shall keep records of all maintenance activities performed on the control equipment.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements

Reporting of the following shall be done on a semi annual-basis:

a. Any deviations from requirements of section B shall be reported;
b. The VOC emission for each month in the semi-annual period shall be reported;
c. The rolling 12 month total for VOC during each month in the semi-annual period shall be reported;

7. Specific Control Equipment Operating Conditions:

See Section E

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	Description	Generally Applicable Regulation
1.	Distillation system Capacity: 10,000 gallons/year	None
2.	Four Extruders	401 KAR 59:010
3.	Cutting/Packaging	401 KAR 59:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. VOC emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

3 VOC emissions shall not exceed 90.0 tons during any consecutive twelve (12) month period. Monthly records to demonstrate compliance with this limitation shall be maintained, and total VOC emissions shall be reported on a semiannual basis.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

I. Control Equipments Two (2) Catalytic Oxidizers

Catalytic Oxidizer # 1
To control VOC emissions from emission point 1, 2, 3 and 4.

Description:

Destruction Efficiency:	99.4% tested on April 15, 2004
Rated capacity:	5.0 MMBtu/hr
Fuel usage:	Natural Gas
Construction Commenced:	August 1993

Catalytic Oxidizer # 2
To control VOC emissions VOC from emission point 1, 2, 3 and 4.

Description:

Destruction Efficiency:	96.7% tested on April 16, 2004
Rated capacity:	5.0 MMBtu/hr
Fuel usage:	Natural Gas
Construction Commenced:	September 1995

A. Operating Limitations:

1 Pursuant to 401 KAR 50:055, Section 2(5), the permittee shall operate the catalytic oxidizers at all times presses are being operated.

2. The average temperature immediately before the catalyst bed in any 3-hour period and the temperature difference across the catalyst bed shall not fall below the set point established during the most recent performance test, which demonstrated compliance.

Compliance Demonstration Method:
Compliance shall be demonstrated by monitoring and recording the temperature just before the catalyst bed the temperature difference across the catalyst bed, averaged over 3 hours.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS (CONTINUED)

B. Testing Requirements:

1. If the most recent performance test is more than five (5) years old, within six (6) months of issuance of this permit, the permittee shall conduct a performance test on the oxidizers and furnish the Division's Bowling Green office with a written report of the results of such performance tests or demonstrate compliance to a duly authorized representative of the Division.
2. During the performance test, the permittee must monitor and record the temperature just before the catalyst bed and the temperature difference across the catalyst bed at least once every 15 minutes during each of the three test runs
3. The permittee shall use the data collected during the performance test to calculate and record the average temperature just before the catalyst bed and the temperature difference across the catalyst bed. This average temperature is the minimum set point for the catalytic incinerator. The minimum-operating limit for catalytic oxidizers is set point for the catalytic incinerator.
4. Install gas temperature monitors upstream and/or downstream of the Catalyst bed.
5 Locate the temperature sensor in a position that provides a representative temperature.
6 Use a temperature sensor with a measurement sensitivity of 5 degrees Fahrenheit or 1.0 percent of the temperature value, whichever is larger.
7 Before using the sensor for the first time or when relocating or replacing the sensor, perform a validation check by comparing the sensor output to a calibrated temperature measurement device or by comparing the sensor output to a simulated temperature.
8. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.

C. Specific Monitoring Requirements:

The permittee shall monitor and/or maintain a log of the following for each catalytic oxidizer:

1. The catalyst bed inlet and the temperature difference across the catalyst bed temperatures.
2. The permittee shall perform continuous monitoring and recording of inlet and the temperature difference across the catalyst bed in minimum 15-minute intervals, showing the average over 3 hours.
3. If the three-hour average inlet temperature and the temperature difference across the catalyst bed drops below that established during the stack test, the printing operation shall be shut down.
4. The temperatures at which the test was performed shall be kept on file.
5. A regular maintenance and inspection plan, with at minimum, a yearly test of a sample from the catalytic element by a qualified test lab to determine the condition of the element. The permittee is to follow the recommendations of the lab regarding washing, rebuilding, or replacing the element.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS (CONTINUED)

6. Conduct an accuracy audit every quarter and after every deviation. Accuracy audit methods include comparisons of sensor output to redundant temperature sensors, to calibrated temperature measurement devices, or to temperature simulation devices.
7. Conduct a visual inspection of each sensor every quarter if redundant temperature sensors are not used.

D. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following information:

1. Design and/or manufacturer's specifications.
2. Preventive maintenance records related to performance of control equipment.
3. All periods, during normal operating conditions, where emissions control equipment, required by this permit, is not operating
4. All periods, during normal operating conditions, where emissions control equipment, required by this permit, is bypassed.
5. Description of operating, temperature-measuring devices (e.g., automatic strip charts, digital data acquisition systems).
6. Data from the temperature-measuring devices and any temporary data logged manually as back up.
7. All 3-hour periods (during printing operations) during which the average temperature immediately before the catalyst bed and the temperature difference across the catalyst bed is below the operating limit determined during the most recent performance test which demonstrated compliance. Each occurrence shall be considered a deviation from permit requirements. See **Specific Reporting Requirements** and Section F (6), F(7) and F(8).
8. All 3-hour periods (during printing operations) which the 3-hour average temperature immediately before the catalyst bed and the temperature difference across the catalyst bed is below the operating limit set during the most recent performance test which demonstrated compliance, or other malfunction of the catalytic incinerator, a daily log of the following information shall be kept:
   a. Whether any air emissions were visible from the facilities associated with the catalytic incinerator.
   b. Whether visible emissions were normal for the process.
   c. The cause of the visible emissions.
   d. The corrective action(s) taken shall be recorded.
9. All records shall be retained at the source for a period of five years.

E. Specific Reporting Requirements:

The permittee shall identify, record, and submit a written report to the Division's Bowling Green Field office for each deviation from the catalytic oxidizers conditions at which compliance was demonstrated during the most recent performance test. If no such periods occur during a particular quarter, the permittee shall state this in a semi-annual report required by General Condition F (6).

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS (CONTINUED)

II. Emission Capture System:

Capture Efficiency: Determined by performance test

A. Operating Limitations:

The average gas volumetric flow rate or duct static pressure in each duct between a capture device and add-on control device inlet in any 3-hour period must not fall below the average volumetric flow rate or duct static pressure limit established for that capture device during the most recent performance test.

B. Testing Requirements:

1. If the most recent performance test is more than five (5) years old, within six (6) months of issuance of this permit, the permittee shall conduct a performance test on the capture system to determine the capture efficiency, using EPA Method 204, or Division approved alternatives.
2. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
3. Pursuant to 401 KAR 50:045 Section 5 in order to demonstrate that a source is capable of complying with a standard at all times, a performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirement on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
4. The permittee shall record information that is necessary to document emission capture system operating conditions during the test and explain why the conditions represent normal operation.
5. For each capture device establish an operating limit for either the gas volumetric flow rate or duct static pressure, as specified below.
   a. During the capture efficiency determination, monitor and record either the gas volumetric flow rate or the duct static pressure for each separate capture device in the emission capture system at least once every 15 minutes during each of the three test runs at a point in the duct between the capture device and the add-on control device inlet.
   b. Calculate and record the average gas volumetric flow rate or duct static pressure for the three test runs for each capture device. This average gas volumetric flow rate or duct static pressure is the minimum operating limit for that specific capture device.
6. The permittee shall use values for capture efficiencies as determined by the most recent performance tests.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS (CONTINUED)

C. Specific Monitoring Requirements:

The permittee must monitor the average gas volumetric flow rate or duct static pressure in each duct between a capture device and catalytic oxidizers. Calculate and record the 3-hour average volumetric flow rate or duct static pressure.

1. Capture Efficiency Monitoring with Flow Measurements

Each flow measurement device must meet the following requirements:

a. Locate a flow sensor in a position that provides a representative flow measurement in the duct from each capture device in the emission capture system to the add-on control device.
b. Use a flow sensor with an accuracy of at least 10 percent of the flow.
c. Perform an initial sensor calibration in accordance with the manufacturer's requirements.
d. Perform a validation check before initial use or upon relocation or replacement of a sensor. Validation checks include comparison of sensor values with electronic signal simulations or via relative accuracy testing.
e. Conduct an accuracy audit every six month and after every deviation. Accuracy audit methods include comparisons of sensor values with electronic signal simulations or via relative accuracy testing.
f. Perform leak checks monthly.
g. Perform visual inspections of the sensor system quarterly if there is no redundant sensor.

2. Capture Efficiency Monitoring with Pressure Drop Measurements

Each pressure drop measurement device must meet the following requirements:

a. Locate the pressure sensor(s) in or as close as possible to a position that provides a representative measurement of the pressure drop across each opening monitored.
a. Use a pressure sensor with an accuracy of at least 0.5 inches of water column or 5 percent of the measured value, whichever is larger.
b. Perform an initial calibration of the sensor according to the manufacturer's requirements.
c. Conduct a validation check before initial operation or upon relocation or replacement of a sensor. Validation checks include comparison of sensor values to calibrated pressure measurement devices or to pressure simulation using calibrated pressure sources.
d. Conduct accuracy audits every six month and after every deviation. Accuracy audits include comparison of sensor values to calibrated pressure measurement devices or to pressure simulation using calibrated pressure sources.
e. Perform monthly leak checks on pressure connections. A pressure of at least 1.0 inches of water column to the connection must yield a stable sensor result for at least 15 seconds.
f. Perform a visual inspection of the sensor at least monthly if there is no redundant sensor.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS (CONTINUED)

D. Specific Record Keeping Requirements:

The permittee shall maintain records to show capture efficiencies remain constant, including the following information:

1. Maintain records of the initial sensor calibrations, validation checks and accuracy audits.
2. Maintain a log of the monthly leak checks.
3. Maintain a log of the visual inspections of the sensor systems (monthly for pressure measurements, quarterly for flow measurements).
4. Maintain records of all data and documentation used to determine capture efficiency.
5. The capture efficiencies recorded during testing and the values of the average volumetric flow rates or duct static pressures that will be monitored corresponding to those capture efficiencies.
6. Continuously record the average gas volumetric flow rate or duct static pressure in each duct between a capture device and the control device. Calculate and record the 3-hour average volumetric flow rate or duct static pressure.
7. For emissions reporting, treat the materials used during a deviation on a controlled coating operation as if they were used on an uncontrolled coating operation for the time period of the deviation.
8. Record all 3-hour periods (printing operations) during which the average gas volumetric flow rate or duct static pressure in each duct between a capture device and the control device is less than the volumetric flow rate or duct static pressure limit established for that capture device during the most recent performance test. Each occurrence shall be considered a deviation from permit requirements, See **Specific Reporting Requirements** and Section F(6), F(7) and F(8).
9. All records shall be retained at the source for a period of five years.

E. Specific Reporting Requirements:

1. The permittee shall identify, record, and submit a written report to the Division's Bowling Green's Field office for each deviation from the capture system conditions.
   a. If there is any 3-hour period, during which the average gas volumetric flow rate or duct static pressure in each duct between a capture device and the thermal oxidizer is less than the volumetric flow rate or duct static pressure limit established for that capture device during the most recent performance test.
2. If no deviations occur during a particular 6-month period, the permittee shall state this in the semi-annual report required by Section Condition F(6).

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place (as defined in this permit), and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
   a. Identification of each term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period.
   e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality Bowling Green Regional Office 1508 Westen Avenue Bowling Green, KY 42104-3356	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.

11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
    a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
        (1) The size and location of both the original and replacement units; and
        (2) Any resulting change in emissions;
    b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
    c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
    d. The replacement unit shall comply with all applicable requirements; and
    e. The source shall notify Regional office of all shutdowns and start-ups.
    f. Within six (6) months after installing the replacement unit, the owner or operator shall:
        (1) Re-install the original unit and remove or dismantle the replacement unit; or
        (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

   a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
      (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
      (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
      (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

      Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

   d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].

g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].

l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
(1) Applicable requirements that are included and specifically identified in this permit; and
(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).

b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements
N/A

5. Testing Requirements

   a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

   b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

   c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

   If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

   a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
   (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

(2) The permitted facility was at the time being properly operated;
(3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
(4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
(5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.

b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

8. Ozone depleting substances

a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
(1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
(2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
(3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
(4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
(5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
(6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

   a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

      RMP Reporting Center
      P.O. Box 1515
      Lanham-Seabrook, MD 20703-1515.

   b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

NA

SECTION I - COMPLIANCE SCHEDULE

NA